



26 Geo II. 1751

An ACT for vesting the undivided Twelfth Part of Anne Jekyll, an Infant, in the Real Estate of Sir Joseph Jekyll, Knight, deceased, in Trustees, to enable them to convey the same to the Purchasers thereof, under a Decree of the Court of Chancery.

Whereas the Right Honourable Sir Joseph Jekyll Knight, late Master of the Rolls, deceased, made his last Will and Testament in Writing, bearing Date the Fourth Day of May One thousand Seven hundred and Thirty-eight; and thereby bequeathed several pecuniary Legacies and Annuities for Life, to several of his Relations therein named; and gave and devised all the rest and Residue of his Estate unto Thomas Jekyll Esquire, John Jekyll, Joseph Jekyll Esquire, Edward Jekyll and Richard Blacket Jekyll; Mary Jekyll, afterwards Mary Saltonstall, and Hannah Jekyll, Children of John Jekyll, late of New England, deceased; and to Joseph Jekyll, Grocer, Son of Thomas Jekyll the elder, Nicholas Roberts, Thomas Hester, Tryphena Baldwin, and Tryphosa Sanders, and to their Heirs, Executors, and Administrators, as Tenants in Common; and made the said Joseph Jekyll Esquire Executor of his said Will:

And whereas by a Decree of the Court of Chancery, made on the Eleventh Day of February One thousand Seven hundred and Forty, in a Cause, wherein the said Thomas Jekyll Esquire, John Jekyll, Richard Blacket Jekyll, Edward Jekyll, then an Infant, by his next Friend, Saltonstall, and Mary his Wife, late Mary Jekyll; Hannah Jekyll an Infant, by her next Friend; Joseph Jekyll, Son of the said Thomas Jekyll the elder; Nicholas Roberts, Thomas Hester, Samuel Baldwin and Tryphena his Wife, William Sanders and Tryphosa his Wife, were Complainants; and Dame Elizabeth Jekyll, Widow of the said Sir Joseph Jekyll the Testator; Joseph Jekyll, Executor of the said Testator; and others, Annuitants, named in the Testator's Will; Sir Dudley Rider, his Majesty's Attorney-General; William Thompson, and others, Legatees, named in the said Will; and Thomas Theyer, Heir at Law of the Testator, Defendants; it was declared, That the Will of the Testator was well proved; and it was ordered and decreed, That the Trusts thereof should be performed:

A

And

And whereas, the said Suit being abated by the Deaths of the said Plaintiffs, *John Fekyll* and *Mary Saltonstall*, the same was revived by Order of the said Court of Chancery; and by a Decree or Decretal Order made in the said revived Cause, on the Eleventh Day of *January* One thousand Seven hundred and Forty-nine, it was, amongst other things, ordered and decreed, That the Whole of the said Estate, so devised as aforesaid, except the Share thereof belonging to the said *John Fekyll* the Infant, should be sold, either intire, or in Parcels, to the best Purchaser that could be got for the same, to be allowed of, by Mr. *Sawyer* the Master, to whom the said Cause was referred; and that the Money arising by such Sale should be divided amongst the several residuary Devisees intituled thereto, or the Persons that stood in their Place, according to their Proportions therein:

And whereas all the real Estate, devised by the said Sir *Joseph Fekyll* the Testator, and directed by the said Decree to be sold, as aforesaid, has according been sold before the Master; and the greatest Part of the Purchase-money for the same hath, by several Orders of the Court of Chancery in that behalf, been paid into the Bank of *England*, in the Name, and with the Privy, of the Accountant-General of the said Court, and subject to the Order of the same Court; but no Conveyance of any Part of the Premises so purchased hath yet been made and executed to any of the Purchasers thereof respectively:

And whereas the said *Joseph Fekyll*, the Executor of, and One of the Devisees named in, the said recited Will, is lately dead, leaving the Right Honourable the Lady *Anne Fekyll* his Widow, and leaving Issue by her, *Anne Fekyll* his Daughter, and only Child, under the Age of Four Years; and, upon his Death, One undivided Twelfth Part of the said real Estate of the said Sir *Joseph Fekyll* the Testator descended upon, and is now vested in, the said *Anne Fekyll* the Infant:

And whereas it would be a great Prejudice not only to the Purchasers of the said Estate, who have paid the Consideration-money for their respective Purchases, but also to the Persons intituled to receive the said Purchase-money, respectively, in case the Conveyances of the Estates so purchased be not speedily executed and completed: But as the said *Anne Fekyll*, by reason of her Infancy, is not qualified or capable to join in such Conveyances, or to pass and assure her undivided Share of the Premises, without the Aid and Authority of Parliament;

May it therefore please Your M A J E S T Y,

At the humble Petition and Request of the said Lady *Ann Fekyll* the Mother, and on the behalf of the said Infant, That it may be Enacted: And be it Enacted by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said undivided Twelfth Part of her the said *Ann Fekyll* the Infant (the Whole into Twelve equal Parts to be divided) of and in the Messuages, Farms, Lands, Tenements, Hereditaments, and real Estate, late of the said Sir *Joseph Fekyll* Knight, deceased, situate, lying, and being, in the Counties of *Hertford*, *Middlesex*, and *Surry*, which were devised by his Will to the several Persons herein before-mentioned as Tenants in common in Fee-simple, as aforesaid, and all and every the Freehold Messuages, Lands, Tenements, and Hereditaments, and Parts and Shares of Messuages, Lands, Tenements, and Hereditaments, situate, lying, and being in the Counties of *Hertford*, *Middlesex*, and *Surry*, whereof, wherein, or whereunto, she the said *Ann Fekyll* the Infant is seised or intituled, in Possession, Reversion, or Remainder, by virtue of or under the same Will, with their and every of their Rights, Members, and Appurtenances, and the Reversion and Reversions, Remainder and Remainders, of the same Premises, shall, from and after the First Day of *May* One thousand Seven hundred and Fifty-three

be settled upon, and vested in, and the same are hereby from thenceforth settled upon, and vested in, the Right Honourable *Francis* Earl of *Guilford*, and Sir *Roger Burgoyne*, of *Sutton* in the County of *Bedford*, Baronet, their Heirs and Assigns, to the Use of them the said *Francis* Earl of *Guilford* and Sir *Roger Burgoyne*, their Heirs and Assigns for ever; Upon Trust nevertheless, and to the Intent and Purpose, that they the said *Francis* Earl of *Guilford* and Sir *Roger Burgoyne*, and the Survivor of them, and the Heirs of such Survivor, shall and may, and they are hereby authorized and empowered to grant, bargain, sell, release, convey, and assure the Inheritance in Fee-simple of and in the said undivided Twelfth Part, and Premises, hereby settled upon, and vested in, them the said Trustees, and their Heirs, or any Part or Parts thereof, or to join with the Owners and Proprietors of the other undivided Parts or Shares of the intire Messuages, Lands, Tenements, and Hereditaments so devised by the said recited Will, in granting, bargaining, selling, releasing, conveying, and assuring, the Inheritance in Fee-simple of and in the said intire Messuages, Lands, Tenements, and Hereditaments, or any Part or Parts thereof, respectively, unto such Person or Persons as have been, or shall hereafter be allowed to be, the best Purchaser or Purchasers thereof, or of any Part or Parts thereof, respectively, by virtue and in pursuance of the said Decree, or Decretal Order, of the Court of Chancery in that behalf.

And it is hereby further Enacted and Declared, That all and every Person and Persons to whom the said *Francis* Earl of *Guilford* and Sir *Roger Burgoyne*, or the Survivor of them, or the Heirs of such Survivor, shall, by virtue and in pursuance of this Act, make any Conveyance or Assurance of the said undivided Twelfth Part, and Premises, hereby vested and settled as aforesaid, or of any Part thereof, and the Heirs and Assigns of such Purchaser and Purchasers, shall and may hold and enjoy the Premises, so by them respectively to be purchased, freed and discharged of and from all Claims and Demands of the said *Anne Jekyll* the Infant, or her Heirs; and in as full, ample, and beneficial manner, to all Intents and Purposes, as if the said *Anne Jekyll* being of full Age, had executed such Conveyances and Assurances respectively.

Provided always, That nothing herein contained shall prejudice, impeach or defeat, such Right, Title, Interest or Claim, as the Executors or Administrators of the said *Joseph Jekyll* may have in or to the Purchase-money arising and produced by Sale of the said undivided Twelfth Part, and Premises, settled and vested by this Act, or any Part of such Purchase-money.

Saving to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Successors, Executors, and Administrators (Other than and except the said *Anne Jekyll* the Infant, and her Heirs, and all and every other Person or Persons, claiming, or to claim, by, from, or under, the said *Joseph Jekyll* her Father), All such Estate, Right, Title, Interest, Claim, and Demand, of, in, to, and out of, the said undivided Twelfth Part, and Premises, vested and settled by this Act, as they, every or any of them, had before the passing this Act, or could or might have held and enjoyed, in case this Act had not been made:

*An ACT for vesting the undivided
Twelfth Part of Anne Jekyll, an
Infant, in the Real Estate of Sir Joseph
Jekyll, Knight, deceased, in Trustees,
to enable them to convey the same to the
Purchasers thereof, under a Decree of
the Court of Chancery.*